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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,991	12/29/2003	Dominick H. Salvato	1589	8249

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EXAMINER

LE, UYEN CHAU N

ART UNIT PAPER NUMBER

2876

DATE MAILED: 06/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/748,991	Applicant(s) SALVATO, DOMINICK H.	
	Examiner Uyen-Chau N. Le	Art Unit 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,6-15,17-19 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,6-15,17-19 and 21-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Prelim. Amdt/Amendment

1. Receipt is acknowledged of the Amendment filed 08 May 2006.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 7-13, 15, 21-26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engstrom et al (US 20040132492 A1) in view of Schultz et al (US 5679943 A).

Re claims 1, 7-13, 15, 21-26 and 29: Engstrom et al discloses a system that facilitates desirable orientation of a display on an electronic device 110, comprising: a keypad that is moveable with respect to a body of the device 110 (figs. 1A-3), the keypad is utilized to relay information to the device; a component that senses a position of the keypad; a component that orients the display based at least in part upon the sensed

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position of the keypad (i.e., electronic components within the interchangeable covering 160); a customization component that facilitates customizing size of at least one of text and imagery of the display as a function of the sensed keypad position (figs. 1A, 2 & 7; paragraphs [0043 & 0047]); a detachable face (i.e., the interchangeable covering 160) that is detachable from the body of the device and re-attachable at a rotation of 180 degrees from an initial position the keypad and the display resident upon the detachable face (figs. 9A-10B; paragraph [0066]) and a component that senses a position of the detachable face 160, the display oriented at least in part upon the sensed position of the detachable face (fig. 7; paragraph [0047]); a multi-position connector that facilitates connecting the keypad to the body of the device, the position of the keypad sensed via monitoring a physical connection between the keypad and the multi-position connector (i.e., keys 125, 127, 155, 157); a sensing component that dynamically senses a position of the keypad, the display dynamically rendered based at least in part upon the sensed position of the keypad (fig. 7; paragraph [0047]); upon proper placement of the interchangeable covering 160 with respect to the device 110, the electronic components within the interchangeable covering 160 act to at least facilitate redefining one or more aspects of the combined

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electronic device and interchangeable covering device 160 (i.e., it is inherently that the keypad is inoperative when the covering device 110 is not placed properly) (paragraphs [0030 and 0031]); the keypad detachable from the device (figs. 9A-9C).

Engstrom et al is silent with respect to the electronic device is a machine data reader, which being a wearable barcode scanner, or a card reader.

Schultz et al teaches a handheld terminal [150, 165] having a barcode scanner 170, a card reader 20, and a keypad 152 that is rotatable/detachable from the terminal (figs. 51-52 and 58-61; col. 9, line 57 through col. 10, line 29).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the machine data reading module of Schultz et al into the system as taught by Engstrom et al in order to provide Engstrom et al with a universal system which can be utilized in various applications. Furthermore, such modification would have been obvious to an artisan of ordinary skill in the art for intended use, and therefore an obvious expedient.

4. Claims 3 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engstrom et al as modified by Schultz et al as applied to claims 1 and 15 above, and further in view of

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Kfoury et al (US 2003/0044000). The teachings of Engstrom et al as modified by Schultz et al have been discussed above.

Re claims 3 and 19: Engstrom et al/Schultz et al has been discussed above, but is silent with respect to one or more keys that are employed to enter information into the electronic device, the one or more keys not moveable with respect to the body of the electronic device, and operability of the one or more keys depending upon the sense position of the keypad.

Kfoury et al teaches an electronic device having a rotatable keypad and one or more keys 106 that are employed to enter information into the electronic device 100, the one or more keys not moveable with respect to the body of the electronic device, and operability of the one or more keys depending upon the sense position of the keypad (paragraph [0030]).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further employ one or more fixed keys 106 of Kfoury et al into the system as taught by Engstrom et al/Schultz et al due to the fact that such modification would have been an obvious engineering variation, well within the ordinary skill in the art, for altering the display orientation and/or operating other various functions of the device, and therefore an obvious expedient.

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5. Claims 6, 13-14, 17-18 and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Engstrom et al as modified by Schultz et al as applied to claims 1, 15 and 23 above, and further in view of Knox (US 6,004,049). The teachings of Engstrom et al as modified by Schultz et al have been discussed above.

Re claims 6, 13-14, 17-18 and 27-28: Engstrom et al/Schultz et al has been discussed above but is silent with respect to the electronic device is an IC card reader; customizing means for customizing for customizing the orientation of the display based at least in part upon user identification, user history, and current application; a data store that contains one or more profiles, the profiles relates to individual users and comprising information related to user references, and the display oriented based at least in part upon a profile; respectively.

Knox teaches a computer 101 having a card reader 134 for reading a smart card 135; a memory (NVAM) 128 for storing customized keyboard/display layout (figs. 1 and 3; col. 3, line 14 through col. 4, line 62 and col. 6, line 10 through col. 6, line 56).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the

teachings of Knox into the system as taught by Engstrom et al/Schultz et al in order to provide the user with a storage device for storing customized keyboard/display layout, which would reduce time and labor (i.e., the user does not have to concern about re-due the configuring/customizing of the keyboard/display every time using the system), and therefore an obvious expedient.

Response to Arguments

6. Applicant's arguments with respect to claims 1-3, 6-19 and 21-29 have been considered but are moot in view of the new ground(s) of rejection.

Newly cited references to Engstrom et al and Schultz et al have been used in the new ground of rejections to further meet the newly amended limitation of the claimed invention.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The patents to Nuovo et al (US 6593914 B1); Anderson (US 20040095326 A1); Meylan et al (US 6788621 B2) are cited as of interest and illustrate a similar structure to a rotatable/removable keypad.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on maxi-flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be

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reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Uyen-Chau N. Le
Primary Examiner
Art Unit 2876

June 21, 2006